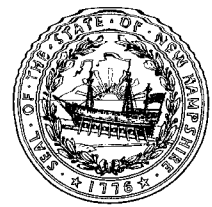




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-080**

August 9, 2006

Daniel Bacon
PO Box 866
North Conway, NH 03860-0866

RE: DES Wetlands File #2006-00858 18 Charles Road, Conway

Dear Mr. Bacon:

On April 12, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Conway Tax Map 255 as Lot 23 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. An area of fill measuring approximately 60' by 15' was observed within a forested wetland, immediately adjacent to the west side of the home.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for partial removal of the fill and for the restoration of the disturbed wetlands located on the western edge of the . Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc.) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date; and
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

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2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, bold, outlined word "COPY".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 1820 0005 8303 0316

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Kirsten Pulkkinen, DES Wetlands
Richard de Seve, DES Subsurface Compliance
Conway Conservation Commission
Conway Board of Selectmen